

Proposed Negative Statutory Instruments with Clear Reports

28 January 2019

Pn(5)011 – The Environmental Assessment of Plans and Programmes and the Environmental Impact Assessment (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

Procedure: Negative

These Regulations make amendments to legislation relevant to both the environmental assessment of plans and programmes and to the environmental impact assessment in the matters of town and country planning and agriculture.

The changes made by the instrument are necessary to ensure that the current regulatory regimes continue to operate effectively after the UK's exit from the EU.

The amendments made under the European Union (Withdrawal) Act 2018 include:

- Changing references to EU legislation to references to retained EU law/obligations;
- Substituting references to EU legislation with references to the domestic legislation which transposed the EU legislation;
- Changing references to “Member States”, particularly in the context of the law at Member State level, to ‘any law of any part of the UK;



- Updating the provision which requires the UK to notify ‘other EU Member states’ about transboundary environmental impacts to reflect the UK’s new status outside of the EU;
- Including text from the EIA Directive;
- Under the regime for agriculture, substituting the reference to the European Commission with a reference to the Welsh Ministers and inserting a requirement for them to consult specified bodies before making a decision (see regulation 5(9)).

The remaining amendments are made under the European Communities Act 1972, including correcting out-of-date references to European law.

These Regulations were laid for the purposes of sifting under the EU (Withdrawal) Act 2018 in accordance with Standing Order 27.9A.

Parent Act: European Union (Withdrawal) Act 2018

Sift Requirements Satisfied: Yes

We agree that the appropriate procedure for these Regulations is the negative resolution procedure.

Pn(5)012 – The Exotic Diseases in Animals (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

Procedure: Negative

These Regulations make amendments to subordinate legislation, which apply in relation to Wales, in the field of control and prevention of exotic diseases in animals. The instrument ensures that the subordinate legislation applicable in Wales which relates to control and prevention of exotic diseases in animals will continue to be operable in Wales after the United Kingdom leaves the European Union.



These Regulations were laid for the purposes of sifting under the EU (Withdrawal) Act 2018 in accordance with Standing Order 27.9A.

Parent Act: European Union (Withdrawal) Act 2018

Sift Requirements Satisfied: Yes

We agree that the appropriate procedure for these Regulations is the negative resolution procedure.

Pn(5)013 – The Zoonotic Disease Eradication and Control (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

Procedure: Negative

This instrument makes amendments to the Zoonoses (Monitoring) (Wales) Regulations 2007 and the Tuberculosis (Wales) Order 2010. These amendments are to ensure that the statute book remains operable following the UK's exit from the EU and will address deficiencies in domestic legislation arising from EU Exit.

The Zoonoses (Monitoring) (Wales) Regulations 2007 provide inspectors with the powers of entry onto premises to monitor zoonoses and antimicrobial resistance to agents which pose a threat to public health. Regulation 3 contains a reference to the appointment of a competent authority for the purpose of the Directive. As the Directive will not be part of domestic law post exit day, the reference is removed. A minor drafting change is also made as to the meaning of "Directive" which, following this change, is only referred to in regulation 2(2). Regulation 5 of the 2007 Regulations enables an inspector exercising a power of entry under the 2007 Regulations to take with them any representative of the European Commission. An example of when this might happen would be for an EU audit of zoonotic disease capability. The European Commission will no longer have an interest in



activity post exit and so the reference is removed. The powers of the inspectors within Wales remain otherwise unchanged however, and the Welsh Government will ensure the same provision of inspectors' presence and duties in order to ensure effective controls of the food and feed chain remain in place.

The Tuberculosis (Wales) Order 2010 implement Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine ("Directive 64/432/EEC"), in particular concerning the eradication of Tuberculosis. This Directive 64/432/EEC lays down rules regarding the health status in relation to animal diseases, including tuberculosis, and provisions for tests to detect these diseases to be carried out by official veterinarians. Enforcement of these rules in Wales is given effect in Wales primarily by The Tuberculosis (Wales) Order 2010. The Order defines "tuberculosis free status" by reference to the Directive. The concept of "tuberculosis free status" is the inverse of a restricted herd and so appropriate changes are made to reflect this in the Order.

These Regulations were laid for the purposes of sifting under the EU (Withdrawal) Act 2018 in accordance with Standing Order 27.9A

Parent Act: European Union (Withdrawal) Act 2018

Sift Requirements Satisfied: Yes

We agree that the appropriate procedure for these Regulations is the negative resolution procedure.

Pn(5)014 – The Nutrition (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

Procedure: Negative

This instrument is being made using the powers conferred by paragraph 1(1) of Schedule 2 and paragraph 21(b) of Schedule 7 to the European Union



(Withdrawal) Act 2018, in order to address failures of retained EU law to operate effectively or other deficiencies arising from the withdrawal of the United Kingdom from the EU.

The Regulations make amendments to secondary legislation for Wales in the field of nutrition.

The minor and technical changes made by the instrument are designed to ensure that the domestic EU legislation enforcing retained EU legislation (the Welsh Regulations) continue to operate effectively. The changes made include the removal of references to “member state”, EU law/obligations and definitions of “EEA Agreement”, “EEA State”, and “free circulation in member States”. It is also designed to fix references to EU Directives where necessary and replaces references to EU bodies with the names of competent UK authorities.

These Regulations were laid for the purposes of sifting under the EU (Withdrawal) Act 2018 in accordance with Standing Order 27.9A.

Parent Act: European Union (Withdrawal) Act 2018

Sift Requirements Satisfied: Yes

We agree that the appropriate procedure for these Regulations is the negative resolution procedure.

